



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7+

Application Number

09/687,828

Filing Date

October 12, 2000

First Named Inventor

James Paschal McCloskey

Art Unit

3653

Examiner Name

Joseph C. Rodriguez

Attorney Docket Number

MSX 302RI

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):Form PTO-1449 (two pages), ten  
references, return receipt postcard.

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

Peter E. Heuser

Date

January 4, 2006

Reg. No.

27,902

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Suzanne Lukas-Werner

Date

January 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 06 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2006, OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

## Complete if Known

Application Number	09/687,828
Filing Date	October 12, 2000
First Named Inventor	James Paschal McCloskey
Examiner Name	Joseph C. Rodriguez
Art Unit	3653
Attorney Docket No.	MSX 302RI

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 11-1540 Deposit Account Name: Kolisch Hartwell, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

## Fee Description

Fee Description	Small Entity Fee (\$)	Fee (\$)
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

## 4. OTHER FEE(S)


Non-English Specification, \$130 fee (no small entity discount)

Other: Information Disclosure Statement

Fees Paid (\$)

180.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 27,902	Telephone (503) 224-6655
Name (Print/Type)	Peter E. Heuser	Date January 4, 2006	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: January 4, 2006

James Paschal McCloskey

Serial No. : 09/687,828

Our Docket: MSX 302RI

Filed : October 12, 2000

Group Art Unit: 3653

For : PORTABLE TROMMEL

Examiner: Joseph C. Rodriguez

Mail Stop Reissue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicant is submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made by the applicant.

Specifically, this Information Disclosure Statement includes engineering drawings and a Declaration which have all been previously submitted to the PTO by a third-party, Wildcat Manufacturing, in a Second Protest under 37 CFR §1.182, regarding applicant's presently pending reissue application. The Second Protest includes a letter of Protest, engineering drawings, a written description, and a Declaration, all alleged to be prior art to the reissue application. Applicant disagrees with the arguments presented in the

Second Protest, and thus does not assert or admit that any information contained in the Second Protest is valid, or that written descriptions of equipment shown in the Second Protest are valid. Applicant did not obtain the Declaration and therefore cannot represent that the Declaration is accurate. Applicant respectfully requests that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

### **CONTENT OF DISCLOSURE**

This Information Disclosure Statement includes (1) two pages of PTO-1449 forms, and (2) a legible copy of each reference listed on the PTO-1449 forms.

### **TIMING OF DISCLOSURE**

This Information Disclosure Statement is being filed after a Request for Continued Examination has been filed by the applicant, and prior to the mailing date of a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application, but on or before payment of the issue fee. Therefore, in accordance with 37 C.F.R. § 1.97(d), submitted herewith are (1) the statement specified in 37 C.F.R. § 1.97(e), and (2) the fee set forth in 37 C.F.R. § 1.17(p).

### **STATEMENT**

The undersigned states, in accordance with 37 C.F.R. § 1.97(e)(2), that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of

information contained in this Information Disclosure Statement was known, to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

### **FEE INFORMATION**

Attached herewith is a check for \$180.00 for payment of the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees that may be required, or to credit any overpayment, to Account No. 11-1540. A duplicate copy of this sheet is enclosed.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Reissue, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on January 4, 2006.



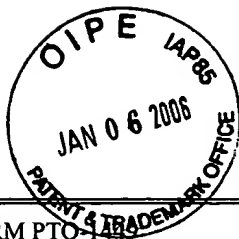
Suzanne Lukas-Werner

Respectfully submitted,

KOLISCH HARTWELL, P.C.



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Attorney/Agent for Applicant/Assignee

SHEET 1 OF 2

FORM PTO-1486  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER MSX 302RI		APPLICATION NUMBER 09/687,828		
		APPLICANT(S) James Paschal McCloskey				
		FILING DATE October 12, 2000		GROUP ART UNIT 3653		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	Wildcat Manufacturing Co., Inc. engineering drawing and brief written description, entitled "WILDCAT RHC-6-160 SCREENING PLANT," undated, (as submitted in a Protest and referenced in the Declaration of Charles Mehlhaf included below)					
	Wildcat Manufacturing Co., Inc. engineering drawing and brief written description, WC677, entitled "WILDCAT TROMMEL SCREEN MODEL RHC 6-160," undated, (as submitted in a Protest and referenced in the Declaration of Charles Mehlhaf included below)					
	Wildcat Manufacturing Co., Inc. engineering drawing WC694, entitled "STACKING CONVEYOR," dated March 14, 1991, (as submitted in a Protest)					
	Wildcat Manufacturing Co., Inc. engineering drawing WC680, Model TROM SCREEN 6-160-RHC, Part Name STACKER CONVEYOR TAIL END, dated February 17, 1991, (as submitted in a Protest)					
	"DESCRIPTION OF WILDCAT RHC 6-160 TROMMEL SCREENING PLANT," dated April, 1991, Publisher: Wildcat Manufacturing Co., Inc., pages 207-218, (as submitted in a Protest)					
	Wildcat Manufacturing Co., Inc. engineering drawing WC658, Model TROM SCREEN 6-160-RHC, Part Name REJECT CONVEYOR CARRIAGE, dated January 22, 1991, (as submitted in a Protest)					
	Wildcat Manufacturing Co., Inc. engineering drawing WC662 Model TROM SCREEN 6-160-RHC, Part Name STACKER CONV. SWING DETAIL, dated January 29, 1991, (as submitted in a Protest)					
EXAMINER			DATE CONSIDERED			

FORM PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER MSX 302RI		APPLICATION NUMBER 09/687,828		
		APPLICANT(S) James Paschal McCloskey				
		FILING DATE October 12, 2000		GROUP ART UNIT 3653		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	Wildcat Manufacturing Co., Inc. engineering drawing WC661, Part Name STACKER CONVEYOR, dated January 24, 1991, (as submitted in a Protest)					
	Wildcat Manufacturing Co., Inc. engineering drawing WC1420, Part Name SWING DETAIL, dated August 8, 1993, (as submitted in a Protest)					
	Declaration of Charles Mehlhaf regarding Patent Application Serial No. 09/687,828, signed November 10, 2005, pages 1-5, (as submitted in a Protest)					
EXAMINER			DATE CONSIDERED			